

S.336: An Act Relating to Establishing Standards for the Sale of Hemp Seed

Sec. 1. 6 V.S.A. § 571. Adds a new section on Hemp Seed Labeling and Standards to the Hemp chapter

- Section 571(a) would prohibit a person from selling or distributing hemp seed that:
 - is not labeled in accordance with the requirements of this section or rules adopted by AAFM;
 - fails to meet germination standards, feminized seed claims, or other claims made on the label or in an advertisement or provides false or misleading information on a label or in an advertisement;
 - fails to meet certification standards if standards have been adopted by the Secretary by rule; or
 - consists of or contains prohibited noxious weed seeds, as that term is defined in 6 V.S.A. 641.
- Section 571(b) would require hemp seed sold or distributed in the State to have a label attached to the bag or container in which the seed is sold or distributed. The label shall contain:
 - the name and kind of each hemp seed present in excess of 5% of the whole percentage by weight;
 - the origin state or foreign country of the hemp seed;
 - whether the hemp seed was certified by a state or foreign country;
 - the percentage by weight of any weed seeds in the container or bag;
 - the percentage by weight of inert matter in the container or bag;
 - the percentage of feminized seed;
 - the percentage of germination of the seed;
 - the date the seed was packed or packaged; and
 - the name and address of the person who labeled the seed or who sells or distributes the seed.
- Section 571(c) authorizes AAFM to issue stop sale orders for violations of the section.
- Section 571(d) violations of the section are subject to an administrative penalty under 6 V.S.A. § 569.
 - The general penalty under § 569 is up to \$1,000. Section 569 does authorize penalties of up to \$5,000, but only for: failing to follow a corrective action plan after negligently growing hemp over the THC limit; violating the requirements for hemp cultivation 3 times in a 5 year period; or producing hemp in violation of the chapter with a state of mind greater than negligence.
- Section 571(e) authorizes a person injured or damaged by a violation of the hemp seed statute or an AAFM hemp seed rule to bring an action for equitable relief or damages arising from the violation.
- Section 571(f) authorizes AAFM to inspect and use enforcement tools under the Agency's general authority to regulate seed, provided that any penalty must be assessed under the hemp chapter.

Sec. 2. 6 V.S.A. § 566. Adds to the AAFM rulemaking authority under the Hemp Chapter.

- Section 566 authorizes AAFM to:
 - establish certification requirements for hemp seed sold or distributed in the State; and
 - require disclosure or labeling of the amount of cannabinoid known to be present in hemp seed sold or distributed in the State.

Sec. 3. Effective Date

- This act takes effect on July 1, 2020.